

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113-1905

Hearing Date/Agenda Number
C.C. 11/14/06 Item 11.1.e

File Numbers
PDC06-099/PD06-047

Application Type
Conforming Planned Development Rezoning &
Planned Development Permit

Council District SNI
3 University

Planning Area
Central

Assessor's Parcel Number(s)
472-28-101

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Ron Eddow

Location: West side of South 9th Street approximately 90 feet south of East William Street

Gross Acreage: 0.34 Net Acreage: 0.34 Net Density: 176 du/ac (see General Plan Analysis)

Existing Zoning: A(PD) Planned Development Existing Use: 60 SRO living units with shared bath and kitchen facilities

Proposed Zoning: A(PD) Planned Development Proposed Use: New building containing 60 affordable efficiency living units including one manager's unit

GENERAL PLAN

Completed by: RE

Existing Land Use/Transportation Diagram Designations
High Density Residential (25 - 50 dwelling units per acre)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: RE

North:	Multi-Family Residential	R-M Multiple Residence
East:	Multi-Family Residential & Fraternity/Sorority	R-M Multiple Residence
South:	Multi-Family Residential	R-M Multiple Residence
West:	Single-Family Residential	CN Commercial Neighborhood & R-M Multiple Residence

ENVIRONMENTAL STATUS

Completed by: RE

<input type="checkbox"/> Reuse of EIR	<input checked="" type="checkbox"/> Exempt
<input type="checkbox"/> Negative Declaration circulated on	<input type="checkbox"/> Environmental Review Incomplete
<input type="checkbox"/> Negative Declaration adopted on	

FILE HISTORY

Completed by: RE

Annexation Title: Original City

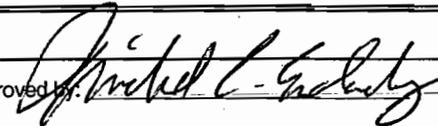
Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommend Approval
 Recommend Approval with Conditions
 Recommend Denial

Date 10/31/06

Approved by:



CURRENT OWNER / CONTACT	ARCHITECT	CONTACT
City of San Jose Housing Department Attn: Leslye Krutko, Director 200 East Santa Clara Street San Jose, CA 95113	Rob Willington Quigley Attn: Maryanne Welton 434 W. Cedar St. San Diego, CA 92101	First Community Housing Attn: Geoffrey Morgan 2 N. 2 nd St., Ste. 1250 San Jose, CA 95113

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: RE

Memos from Public Works and Environmental Services Department

Other Departments and Agencies

None

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On March 1, 2005 the applicant, First Community Housing, filed Planned Development Rezoning file no. PDC05-020 to rezone the subject site from RM Multiple Residence to A(PD) Planned Development Zoning District to (1) demolish an existing residential structure containing 60 Single Room Occupancy (SRO) living units, and (2) construct a new residential building containing up to 59 SRO living units on a 0.34 gross acre. The City Council approved the rezoning on September 20, 2005. On October 14, 2005 the Director of Planning approved a Planned Development Permit to implement this rezoning. The permit also allowed the removal of two non-ordinance trees on the subject site.

On August 15, 2006, the City Council held a public hearing to consider various actions related to the proposed project including a Disposition and Development Agreement (DDA), and approval of a funding commitment of up to \$1,000,000 to the sponsor for development costs of the project (see attached City Council synopsis dated 08/15/06). Council adopted Resolution No. 73353 to approve such actions.

On September 11, 2006 the applicant, First Community Housing, filed the subject Conforming Planned Development Rezoning file no. PDC06-099 to rezone the site from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District and Planned Development Permit file no. PD06-047 to (1) demolish an existing residential structure containing 60 SRO living units, and (1) add one efficiency living unit to 59 previously-approved efficiency living units that include one manager's unit for a total of 60 efficiency living units on the subject site. An efficiency unit is a compact residential unit that incorporates living and sleeping areas, a kitchen, and a private bathroom.

The existing building is a former sorority building constructed in the 1960s. Photograph nos. 3 and 4 depict the existing building on page A-1.0 of the plan set. The subject site is flat and rectangular in shape except for a notch at the northwest corner of the site. It has approximately 92 feet of frontage on S. 9th Street. The site is located in the University SNI area. Surrounding land uses consist of multi-family residential uses to the north, east and south; and single-family residential to the west.

Project Description

The exterior of the proposed building would not change in physical appearance from the previously approved project for 59 units. The proposed PD Rezoning and PD Permit would add one efficiency unit on the ground floor by reconfiguring the manager's unit for a total of 60 units. The one additional unit is necessary to comply with a State funding regulation that requires affordable qualifying projects to replace the same quantity of units that are proposed for removal.

Each of the 60 proposed units would be 100 percent affordable, and 35 percent of the units would be reserved for individuals with developmental disabilities. Each efficiency living unit contains kitchen and bathroom facilities.

The building entrance on S. 9th Street takes access from a common open space area flanked by two building masses. The new building contains four floors and one below-grade parking level. Exterior building materials include cement fiber lap siding, stucco, and fabric awnings.

The maximum building height is 45 feet, except for the mechanical penthouse that extends to 53 feet. Setbacks are 15 feet front, 5 feet sides, and 25 feet rear with provisions for minor incursions such as stairs, patio trellis, and balcony. In addition to the outdoor common open space at the southwest corner of the site, interior common open space is also proposed on each floor. A total of 22 parking spaces are proposed in a basement level beneath the proposed structure, as well as ten motorcycle parking spaces, and 16 bicycle parking spaces. The applicant will apply for "Silver Certification" on the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) rating system.

ENVIRONMENTAL REVIEW

The Director of Planning, Building, and Code Enforcement determined that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15280. Section 15280 applies to lower-income housing projects that meet certain criteria. The criteria are included in the attached Statement of Exemption.

The Director of Planning, Building, and Code Enforcement determined the existing building, built in 1960, does not qualify for the National Register of Historic Places or California Register of Historic Resources because it is less than 50 years old, and it does not meet any of the criteria for listing on those registers. In addition, it would not qualify as a City Landmark based on preliminary review of the City's historic evaluation criteria.

ANALYSIS

The staff report analyzes (1) conformance with the General Plan, (2) conformance with the Residential Design Guidelines regarding compatibility with surroundings, (3) conformance with Zoning Ordinance criteria for SRO residential units in standard zoning districts, and (4) adequacy of parking.

General Plan Conformance

The subject site is designated High Density Residential (25-50 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. With 60 efficiency units proposed on the subject 0.34 gross acre site, the proposed density calculates to 173.5 DU/AC. However, the proposed project conforms to the General Plan based on the "Locations of Projects Proposing 100% Affordable Housing" Discretionary Alternate Use Policy. This policy allows for development of housing at any density if the housing is (1) 100 percent affordable, (2) proposed for a site and density compatible with surrounding land use designations, and (3) located on a site consistent with the housing distribution policies of the plan. The proposed project is compatible with the surrounding area that has high-density General Plan and Zoning designations, and uses because the proposed project will function like the surrounding multi-family residential uses. It also respects the adjacent single-family residential uses to the west because it implements a rear setback of 25 feet.

Also, this project furthers the General Plan Housing Policies by providing housing opportunities to meet the needs of lower-income members of the community in a stable neighborhood where adequate urban services are already provided.

Residential Design Guidelines Conformance Regarding Compatibility with Surroundings

The area surrounding the subject site is generally characterized by multi-family residential structures. The proposed use is compatible with these multi-family residential uses because the proposed residential use will function much like the surrounding multi-family residential uses. The Residential Design Guidelines recommend specific setbacks for residential structures based on proposed number of stories and the adjacent uses.

Side Setbacks

On the north and south sides of the site, the project proposes a 5-foot side setback, plus one additional foot of setback for each story over 2.5 stories. Thus the four-story element of the project would have a 7-foot side setback. The Residential Design Guidelines include a standard where the subject structure would match the setback of existing similar structure or use, provided that such setback does not exceed the range of common practice. The two adjacent residential structures are each setback approximately 8 feet from the side property lines that they share with the subject site. Given the existing 8-foot setbacks on either side of the property, staff feels that the proposed 5-foot setback is appropriate.

Rear Setback

To the west, the project proposes a 25-foot setback for the building, with exterior stairs encroaching approximately 6 feet into the rear setback area. The Residential Design Guidelines include a standard of two feet of building setback for every one foot of building height. With a

proposed height of approximately 45 feet at the rear of the building, the structure would need to be setback 90 feet. Staff believes such a large setback is inappropriate because the adjoining property would in all likelihood be redeveloped with more intense development in conformance with the area's General Plan designation of High Density Residential (25-50 DU/AC).

The density of the affordable residential project could not be achieved on an urban site of 0.34 acre if it were required to meet a guideline designed for a suburban site of lower density. Therefore, Staff believes that the proposed 25-foot setback is an adequate buffer between the single-family rear yards to the west.

Conformance with Zoning Ordinance Criteria for SRO Residential Units

Because this project is a Planned Development Zoning, the proposal is not required to comply with the SRO criteria contained in Part 15 of Chapter 20.80 of the Zoning Ordinance. Nonetheless, the criteria in this part can serve as a basis for analysis. Selected Zoning Ordinance criteria for SRO living units are listed below in italics, and an evaluation of the project's conformance with the criteria follows.

Excluding the closet and the bathroom area, an SRO Living Unit must be a minimum of one hundred fifty (150) square feet in floor area. The average unit size in a Living Unit Facility shall be no greater than two hundred seventy-five (275) square feet and no individual living unit may exceed four hundred (400) square feet. Only the one-bedroom managers unit exceeds 400 square feet, and the average SRO unit size is less than 275 square feet.

Each SRO Living Unit shall be designed to accommodate a maximum of two (2) persons. The operations plan limits each unit to one occupant.

Individual SRO Living Units may not have separate external entryways. Some of the proposed units can be accessed from a rear stairwell and exterior balcony; however, access to the rear stair is secured through use of gates on either side of the subject structure. Furthermore, the individual entries are not visible from S. 9th Street, so staff believes that the proposed configuration is sufficient.

The SRO Living Unit Facility must have a management plan approved by the Department of Housing. An operations plan has been submitted, and conditions of approval of the Planned Development Permit would require that the plan be approved by the Department of Housing.

Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof. Facilities are provided on the first floor in excess of this minimum.

The SRO Living Unit Facility shall provide interior common space based on the unit size, with units ≥ 180 square feet providing 3.0 square feet of common open space per unit. The proposed common open space is approximately 4,000 square feet and averages over 60 square feet per unit.

Parking

The project proposes a total of 22 parking spaces in a sub-grade parking garage on-site. Of the 60 proposed units, 35%, or 21 units, would be reserved for individuals with developmental disabilities. The proposed parking arrangement would not provide any parking for these residents. The proposed parking ratio for the remainder of the 39 efficiency residential units would be 0.56 spaces per unit, or approximately one parking space for every two units. For reference only, the Zoning Ordinance typically requires one parking space per SRO unit with partial or full kitchen and bathroom facilities. Staff believes that the proposed parking ratios are adequate to accommodate resident and guest parking for the proposed project for the following reasons: (1) the operations plan for the facility states that preference will be given to individuals who do not own vehicle; (2) in addition to a total of 22 parking spaces for cars, 10 motorcycle stalls and 16 bicycle stalls are proposed in the sub-grade garage; and (3) the applicant will provide free VTA "Eco-Passes" annually to each of the residents so they can ride Santa Clara County Valley Transportation Authority (VTA) Light Rail and buses free of charge.

For the previously approved projects, the applicant completed a survey of existing affordable SRO residential projects in the Bay area and concluded that a parking ratio of 0.7 spaces per SRO residential unit is adequate in areas outside of a downtown, transit intensive area. Because the subject site is located in close proximity to the transit intensive downtown San Jose, staff feels that a reduced ratio of 0.56 spaces per SRO residential unit is sufficient when combined with motorcycle and bicycle parking as well as the VTA Eco-Pass program.

COMMUNITY OUTREACH

The applicant presented the proposal to the community on July 19, 2005. Notice of the community meeting was sent to all owners and occupants within 500 feet of the subject site. The biggest issue raised at the meeting was the proposed parking. Some residents felt that parking provided at the site should be increased and that the proposed parking would not be adequate to support the residents, guests, staff, and support personnel. The applicant responded by stating that the parking ratio was sufficient due to the combination of (1) the developmentally disabled units, (2) the provision of VTA "Eco-Passes," and (3) the low-income level of the residents. The president of the University Neighborhoods Coalition spoke in full support of the proposal at the meeting.

A sign was placed on the property during the application process notifying the neighbors of the proposal on file. The dates of the public hearings have been noticed in a local newspaper, and notices were mailed to all owners and occupants within a 500-foot radius of the subject site. Planning staff has been available to discuss the proposal with members of the public. Additionally, prior to the Planning Commission public hearing, an electronic version of the staff report was made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

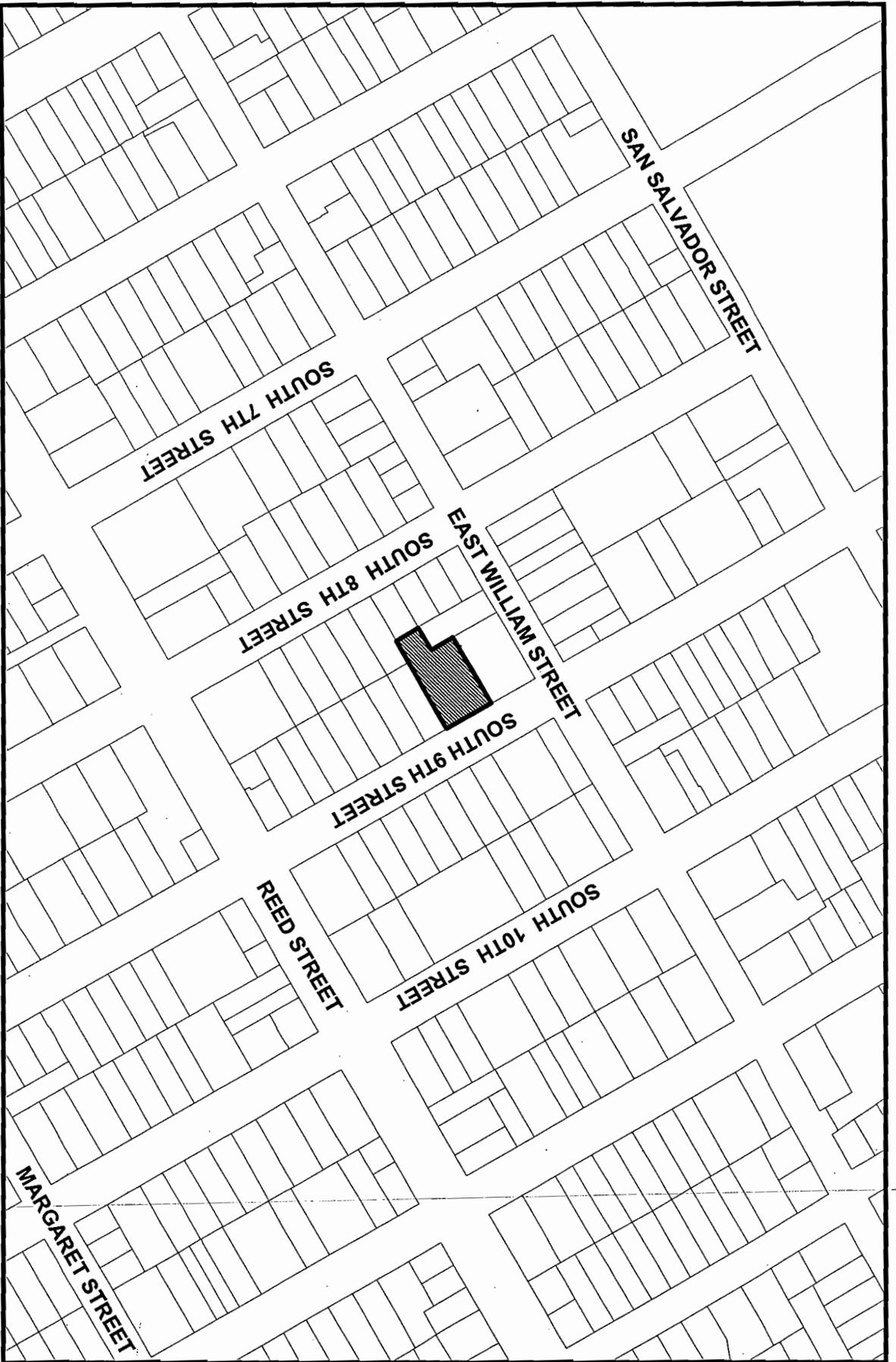
RECOMMENDATION

Planning staff recommends the City Council approve the proposed Planned Development Rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram through use of the "Locations of Projects Proposing 100% Affordable Housing" Discretionary Alternate Use Policy.
2. The project is consistent with the Residential Design Guidelines regarding compatibility with the surrounding area.
3. The project is consistent with the SRO regulations in the Zoning Ordinance.
4. The project provides adequate vehicular, motorcycle, and bicycle parking for the proposed residential use.
5. The project is consistent with existing and planned residential uses in the surrounding area.

Further, staff recommends approval of the Planned Development Permit with conditions based on the facts and findings contained in the attached resolution.

Attachments: Map
Public Works and Environmental Services memorandums
City Council Synopsis 08/15/06 Item 5.2
Exemption
Development Standards (attached standards supercede those on plan set)
Plan set



Scale: 1" = 250'
Map Created On: 09/11/2006
Noticing Radius: 500 feet

File No: PDC06-099
District: 3
Quad No: 83

PDC06-099 Development Standards

1. Permitted Uses

60 Efficiency Living Units including one (1) 1-bedroom managers unit.

21 units will be designated for developmentally disabled residents,
one unit will be reserved for the manager at 60% of the area median income
37 units will be reserved for individuals making 20 to 30 percent of the area median income.

2. Setbacks

Front (building)	15'
Front (patio/trellis)	8'
Side	5'
Rear (building)	25'
Rear (stairs)	19'
Rear (manager's balcony)	15'

3. Height

Height	60'
No. of Stories	4

4. Common Open Area

Required: 40 square feet per unit average

Provided 64 square feet per unit

5. Parking Required

0.56 parking spaces per unit - 22 parking spaces
10 motorcycle spaces
16 bicycle spaces
The developer shall provide each tenant and staff member with a free, annual VTA "Eco-Pass" for free travel on all Santa Clara County Valley Transportation Authority transit facilities.

6. Part 2.75 of Chapter 15.12 of the San Jose Municipal Codes requires that an applicant acknowledge the effect of Wastewater treatment capacity on Land development approvals at the time of application. As owner (s) of the property subject to this development application, I(we) hereby acknowledge the requirements of the Municipal Code, as stated below, and understand that these requirements will apply to the development permit for which I(we) am(are) applying.

Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

Memorandum

TO: Ron Eddow
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 10/19/06

PLANNING NO.: PDC06-099 and PD06-047
DESCRIPTION: Conforming Planned Development Rezoning from A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to add one SRO living unit to 59 previously approved SRO living units for a total of 60 SRO living units on a 0.34 gross acre site
LOCATION: west side of South 9th Street approximately 90 feet south of East William Street
P.W. NUMBER: 3-06356

Public Works received the subject project on 09/12/06 and submits the following comments and requirements.

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees
2. **Transportation:**
 - a) The projected traffic for this project was reviewed and found to be minimal; therefore, no further traffic analysis is required. The Project proposes to replace 65 units with 60 SRO units.
 - b) Maintain a 20-foot minimum stacking area at the driveway entrance to avoid obstructing the pedestrian sidewalk, and locate the "card reader" to maintain sidewalk clearance for pedestrians.
3. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to

- the storm drain system from the site. An erosion control plan may be required with the grading application.
- b) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
 - c) If shoring is required, shoring calculations must be provided prior to issuance of a grading permit. If tie-backs are required in the public right-of-way, a revocable encroachment permit will be required prior to issuance of a grading permit.
4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges.
 5. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 6. **Street Improvements:**
 - a) Remove and replace curb, gutter, and sidewalk along project frontage.
 - b) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 7. **SNI:** This project is located within the University SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
 8. **Flood: Zone D.** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
 9. **Street Trees:**
 - a) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.

Planning and Building

10/19/06

Subject: PDC06-099 and PD06-047

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- b) Trees shall be 15-gallon Platanus Acerfolia 'Yarwood' Sycamores in accordance with the tree removal permit issued by the City Arborist.

Please contact the Project Engineer, Ryan Do, at (408) 535-6895 if you have any questions.



Ebrahim Sohrabi

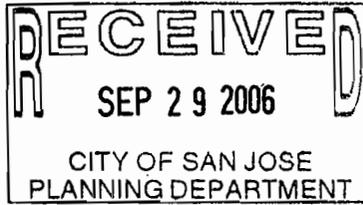
Senior Civil Engineer

Transportation and Development Services Division

RD

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Memorandum

ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

TO: Ron Eddow
Department of Planning,
Building, & Code Enforcement

FROM: Geoff Blair
Environmental Services Department

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
September 28, 2006

APPROVED: *Geoff Blair* **DATE:** *9-28-06*

PLANNING NO. :	PD06-047
LOCATION:	525 S. 9 th Street. West side of South 9 th Street approximately 90 feet south of William Street.
DESCRIPTION:	Planned Development Permit to construct multi-family residential building containing 60 SRO living units on a 0.34 gross acre site.
APN:	47228101

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 277-3828.

Stormwater Runoff	San Jose/ Santa Clara Water Pollution Control Plant (Plant)	Source Control	South Bay Water Recycling (SBWR)	Green Building	Integrated Waste Management (IWM)	Water Efficiency
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Stormwater Runoff

Please be aware that effective August 15, 2006, all projects that create or replace 10,000 square feet of impervious surface will be required to hydraulically size their post-construction treatment control measures. Please clarify whether a green roof is proposed for the project.

Integrated Waste Management (IWM)

Single Family Residential

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. All residential projects must be designed¹ such that they will accommodate garbage and recycling collection vehicles and program setout guidelines. If vehicle access is limited due to clearance issues, street parking, or inaccessible private streets, some services (such as street sweeping or yard trimmings collection) may not be performed, or the property owner may be subject to additional charges. These additional charges may include monthly charges for on-premise (backyard) collection or yard trimmings cart collection. For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 535-3515.
2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

Water Efficiency

Residential

The proposed development should consider installation of the following water efficient equipment as applicable:

- **High Efficiency Toilets** (1.0 gal/flush) and/or **Dual Flush Toilets** (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.
- **Water Conserving Dishwashers** can save several gallons of water per load over conventional dishwashers and typically also save energy.
- **High Efficiency Clothes Washers** are more water-and energy-efficient, using from 35 to 50 percent less water and saving up to 50 percent in energy costs over conventional clothes washers.

Financial incentives may be available for installing various types of residential, commercial, industrial or institutional water efficient appliances or equipment. Contact the Santa Clara Valley Water District for more information and availability.

Call the Santa Clara Valley Water District Water Conservation Hotline at (408) 265-2607 ext 2554 or visit www.valleywater.org.

¹ In accordance with the San Jose *Residential Design Guidelines*

5. NEIGHBORHOOD SERVICES

5.2 Approval to conduct a Public Hearing and various actions related to the New Casa Feliz Development.

Recommendation: Adoption of a resolution as follows:

- (a) Acceptance of the summary of costs and findings of the Summary 33433 Report pursuant to Health and Safety Code Section 33433 for the sale and disposition of the property located at 525 South Ninth Street under the terms and conditions of the proposed Disposition and Development Agreement (“DDA”).
- (b) Approval of a DDA between the City of San José and the proposed partnership between First Community Housing and the John Stewart Company, or their designated affiliate, for the development of the New Casa Feliz, a 60-unit three- and four-story affordable housing project and authorizing the City Manager or his designee to negotiate, execute and record all documents reasonably necessary to convey the property as provided in the DDA.
- (c) Approval of an amendment to the Option Agreement for the subject property with Sponsor and authorizing the City Manager or his designee to negotiate and execute the amendment to the Option Agreement.
- (d) Approval of a funding commitment of up to \$1,000,000 to the Sponsor for development costs of the project.

CEQA: Exempt, File No. PDC05-020. Council District 3. SNI: University. (Housing)

Resolution No. 73353 adopted.

Staff directed to provide an information memorandum on the relocation of the 68 tenants of New Casa Feliz.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair No Report.

**CITY OF SAN JOSÉ, CALIFORNIA
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
STATEMENT OF EXEMPTION**

FILE NO. PDC06-099 and PD06-047

LOCATION OF PROPERTY West side of South 9th Street approximately 90 feet southerly of East William Street (525 S 9TH ST)

PROJECT DESCRIPTION Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District and Planned Development Permit to (1) demolish an existing residential structure containing 60 Single Room Occupancy (SRO) living units, and (2) add one efficiency living unit to 59 previously-approved efficiency living units that include one manager's unit for a total of 60 efficiency living units on a 0.34 gross acre site

ASSESSOR'S PARCEL NUMBER 472-28-101

CERTIFICATION

Under the provisions of Section 15280 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15280. Lower-income Housing Projects

(a) CEQA does not apply to any development project which consists of the construction, conversion, or use of residential housing consisting of not more than 100 units in an urbanized area, provided that it is either: (1) Affordable to lower-income households, as defined in Section 50079.5 of the Health and Safety Code, and the developer provides sufficient legal commitments to the appropriate local agency to ensure that the housing units will continue to be available to lower income households for a period of at least 15 years; or (2) Affordable to low and moderate-income households, as defined in paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code, at monthly housing costs determined pursuant to paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code.

(b) The development must also meet all the following criteria:

(1) It is consistent with the local jurisdiction's general plan as it existed on the date the project application was deemed complete.

(2) It is consistent with the local zoning as it existed on the date the project application was deemed complete, unless the zoning is inconsistent with the general plan because the city, county, or city and county has not rezoned the property to bring it into consistency with the general plan.

(3) Its site has been previously developed or is currently developed with urban uses, or the immediately contiguous properties surrounding the site are or have been previously developed with urban uses.

- (4) Its site is not more than two acres in area.
- (5) Its site is, or can be, adequately served by utilities.
- (6) Its site has no value as wildlife habitat.
- (7) It will not involve the demolition of, or any substantial adverse change in, any district, landmark, object, building, structure, site, area, or place that is listed, or determined to be eligible for listing in the California Register of Historical Resources.

- (8) Its site is not included on any list of hazardous waste or other facilities and sites compiled pursuant to Section 65962.5 of the Government Code, and the site has been subject to an assessment by a California registered environmental assessor to determine both the presence of hazardous contaminants, if any, and the potential for exposure of site occupants to significant health hazards from nearby properties and activities.
- (c) For purposes of this section, "urbanized area" means an area that has a population density of at least 1000 persons per square mile.
- (d) If hazardous contaminants are found on the site, they must be removed or any significant effects mitigated to a level of insignificance in order to apply this exemption. If a potential for exposure to significant health hazards from nearby properties and activities is found to exist, the effects of the potential exposure must be mitigated to a level of insignificance in order to apply this exemption. Any removal or mitigation to insignificance must be completed prior to any residential occupancy of the project.
- (e) This section does not apply if there is a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable other projects in the vicinity.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement



Deputy

Date October 26, 2006

Project Manager: Ron Eddow

(Rev. 10/23/02)

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSÉ,
GRANTING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT
PERMIT TO ALLOW THE USE OF CERTAIN REAL PROPERTY
DESCRIBED HEREIN FOR CONSTRUCTION OF SIXTY EFFICIENCY
RESIDENTIAL UNITS

FILE NO. PD06-047

WHEREAS, pursuant to the provisions of Chapter 20.100.900 of Title 20 of the San José Municipal Code, on March 30, 2006, an application (File No. PD06-022) was filed for a Planned Development Permit to (1) demolish an existing residential structure containing 60 Single Room Occupancy (SRO) living units, and (2) construct a multiple-dwelling residential building containing 60 efficiency living units that includes one manager's unit on the subject site, situated in the A(PD) Planned Development Zoning District and located on the west side of South 9th Street approximately 90 feet south of East William Street, San José, and

WHEREAS, the subject property is all of that certain real property described in Exhibit "A," attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100.900 of Title 20 of the San José Municipal Code, this City Council conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this City Council received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, this City Council has reviewed and considered an Exemption from environmental review for said project; and

WHEREAS, at said hearing, this City Council received in evidence a development plan for the subject property entitled, "The reconstruction of Casa Feliz, 525 South 9th Street, San Jose, California dated October 23, 2006. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for

inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San José Municipal Code and the rules of this City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

Section 1. Facts.

After considering evidence presented at the Public Hearing, the City Council finds that the following are the relevant facts regarding this proposed project:

1. On September 11, 2006 the applicant, First Community Housing, filed a Planned Development Rezoning file no. PDC06-099 to rezone the subject site from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District and Planned Development Permit file no. PD06-047 to (1) demolish an existing residential structure containing 60 SRO living units, and (1) add one efficiency living unit to 59 previously-approved efficiency living units that include one manager's unit for a total of 60 efficiency living units on the subject site.
2. The existing residential structure is a former sorority building constructed in the 1960s.
3. The subject site is flat and rectangular in shape except for a notch at the northwest corner of the site. It has approximately 92 feet of frontage on S. 9th Street.
4. The subject site is located in the University SNI area.
5. Surrounding land uses consist of multi-family residential uses to the north, east and south; and single-family residential to the west.
6. Each of the 60 proposed units would be 100 percent affordable, and 35 percent of the units would be reserved for individuals with developmental disabilities. Each efficiency living unit contains kitchen and bathroom facilities.
7. The building entrance on S. 9th Street takes access from a common open space area flanked by two building masses. The new building contains four floors and one below-grade parking level. Exterior building materials include cement fiber lap siding, stucco, and fabric awnings.
8. The maximum building height is 45 feet, except for the mechanical penthouse that extends to 53 feet.

9. Setbacks are 15 feet front, 5 feet sides, and 25 feet rear with provisions for minor incursions such as stairs, patio trellis, and balcony.
10. In addition to the outdoor common open space at the southwest corner of the site, interior common open space is also proposed on each floor.
11. A total of 22 parking spaces are proposed in a below-grade level beneath the proposed structure, as well as ten motorcycle parking spaces, and 16 bicycle parking spaces.
12. The Director of Planning, Building, and Code Enforcement determined that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15280. Section 15280 applies to
13. The Director of Planning, Building, and Code Enforcement determined the existing building, built in 1960, does not qualify for the National Register of Historic Places or California Register of Historic Resources because it is less than 50 years old, and it does not meet any of the criteria for listing on those registers. In addition, it would not qualify as a City Landmark based on preliminary review of the City's historic evaluation criteria.
14. The project conforms to the General Plan based on the "Locations of Projects Proposing 100% Affordable Housing" Discretionary Alternate Use Policy. This policy allows for development of housing at any density if the housing is (1) 100 percent affordable, (2) proposed for a site and density compatible with surrounding land use designations, and (3) located on a site consistent with the housing distribution policies of the plan.
15. General Plan Housing Policies encourage the provision of housing opportunities to meet the needs of lower-income members of the community in a stable neighborhood where adequate urban services are already provided.
16. Pursuant to San Jose Municipal Code Section 20.80.460, the City Council shall determine whether the benefits of permitting the demolition, removal or relocation outweigh the impacts of the demolition, removal or relocation. In making such a determination, the following shall be considered:
 - a. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
 - b. The failure to approve the permit would jeopardize public health, safety or welfare;
 - c. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood;
 - d. The approval of the permit should maintain the supply of existing housing stock in the City of San Jose;

- e. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
- f. Rehabilitation or reuse of the existing building would not be feasible; and
- g. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Section 2. Findings.

Based on the above facts, the City Council concludes and finds that:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan in that:
 - a. The zoning for the property is consistent with the General Plan based on the "Locations of Projects Proposing 100% Affordable Housing" Discretionary Alternate Use Policy. This policy allows for development of housing at any density if the housing is (1) affordable, (2) proposed for a site and density compatible with surrounding land use designations, and (3) located on a site consistent with the housing distribution policies of the plan. The proposed project is compatible with the surrounding area that has multi-family residential General Plan designations, Zoning designations, and uses because the proposed residential use will function much like the surrounding multi-family residential uses.
2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development zoning of the property in that the building location, setbacks, density, number of units, type of units, and parking spaces conform to the General Development Plan.
3. The interrelationship between the orientation, location and elevations of the proposed building(s) and structure(s) and other uses on-site are mutually compatible and aesthetically harmonious in that:
 - a. The architectural elements of the proposed structure are integrated into a unified design.
 - b. The proposed project is architecturally compatible with existing and planned development in the area.
4. The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that:
 - a. The Director of Planning, Building, and Code Enforcement determined that the project is exempt from California Environmental Quality Act (CEQA) review under the Statutory Exemption in Section 15280 of the State Guidelines for Implementation of the CEQA. Section 15280 applies to lower-income housing projects that meet certain criteria, and the Director of Planning, Building, and Code

- Enforcement determined that the project meets these criteria.
- b. The proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.
5. The benefits of permitting the demolition, removal or relocation of the existing building outweigh the impacts of the demolition, removal or relocation in that the reconstruction of Casa Feliz would replace a dilapidated residential building with a modern residential building that maintains the existing supply of 60 efficiency units in a way that is compatible with the surrounding neighborhood.

Section 3. Conditions.

The City Council hereby approves the Planned Development Permit subject to the following conditions:

1. **Acceptance of Permit.** Pursuant to San Jose Municipal Code Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Deadline for Commencing Construction.** This Planned Development Permit shall automatically expire two years from and after the date of issuance hereof by the City Council if within such two-year period, construction of buildings has not commenced, pursuant to and in accordance with, the provisions of this Site Development Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning, Building and Code Enforcement may approve a Permit Adjustment to extend the validity of this Permit in accordance with Title 20 of the San Jose Municipal Code. The Permit Adjustment must be approved prior to the expiration of this Permit.
3. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately

and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

4. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
5. **Conformance with Plans.** Construction and development shall conform to the approved development plans entitled, "The Reconstruction of Casa Feliz, 525 South 9th Street, San Jose, California" dated October 23, 2006, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
6. **Revocation.** This Planned Development Permit is subject to revocation for violation of any of its provisions or conditions.
7. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
8. **Construction Impact Mitigation Measures.** The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical conditions to minimize noise created by faulty or poorly maintained engine, drive-train and other components. The project developer shall ensure that the following construction impact mitigation measures are implemented throughout the duration of all construction activities associated with this project and related off-site construction work. Failure to comply with these conditions by the applicant, their contractors or subcontractors shall be cause for shutdown of the project site until the City ensures compliance with the following conditions:
 - a. **Construction Hours.** Construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday for any on-site or off-site construction activities located within 500 feet of any residential unit. Interior work that does not result in any audible noise from outside the structure is permitted on Saturday between the hours of 8:00 a.m. and 7:00 p.m. Exceptions to the construction hours may be administratively approved on a case-by-case basis subject to mailed notification to the surrounding neighborhood to the satisfaction of

the Director of Planning, Building, and Code Enforcement.

- b. *Construction Deliveries.* Deliveries shall not occur outside the above construction hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the said construction times to prevent the disruption of nearby residents.
 - c. *Construction Employees.* Workers shall not arrive to the site more than 15 minutes prior to said construction times.
 - d. *Plans.* The construction hours shall be printed on all plans for the project used to construct the project.
 - e. *Mitigation Measure Disclosure.* These construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors. In addition, the project developer is responsible to ensure the following occur prior to the issuance of a Building Permit for the project.
 - f. *Disturbance Coordinator.* The developer shall identify a disturbance coordinator. The disturbance coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other conditions in this permit. The name and phone number of the disturbance coordinator shall be posted on the project site so it is legible from the public street.
 - g. *Daily Log.* The disturbance coordinator shall maintain a log of daily activities on the project, including but not limited to, verification of site closure activities, project cleanliness, complaints on site activities and conditions and dates and times of the coordinators visits to the project if the coordinator is not solely responsible for this project site.
 - h. *Telephone Contact.* A phone with answering machine for non-work hours shall be maintained during the duration of project construction. The phone number should be a local call for surrounding residents.
 - i. *Signage.* The name and phone number of the disturbance coordinator, the hours of construction limitations, City File Number PD 06-047, city contact person and phone number, and shall be displayed on a weatherproof sign posted at each entrance to the project site.
9. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set and the Permit Adjustment as required by condition number 1. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.

10. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
11. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect. The tot lot shall be removed and landscaping and irrigation shall be provided within that area at the northeast corner of the site.
12. **Storm Water Discharge.** The applicant shall conform to the Non-Point Source Control requirement for storm water discharge associated with construction activity as required by the State Water Resource Control Board. Contact the Regional Water Quality Control Board at (415) 286-0968 for further information.
13. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Planned Development Permit incorporated by reference in this Permit in accordance with the San José Municipal Code.
14. **Street Cleaning and Dust Control/Air Quality.** The project shall incorporate City of San José practices to mitigate dust during all phases of construction. These practices meet or exceed the Bay Area Air Quality Management District's (BAAQMD) feasible construction dust control measures to reduce construction impacts to a level that is less-than-significant. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site. The following construction practices will be implemented during all phases of construction on the project site:
 - a. Use dust-proof chutes for loading construction debris onto trucks.
 - b. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - d. Water or use soil stabilizers on haul routes, parking, and staging areas.
 - e. Damp sweep daily (or as often as necessary) to keep the adjoining streets, private streets, paved access roads, parking areas and staging areas within and adjoining the construction site free of dust and debris.

- f. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week.
- g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- i. Replant vegetation in disturbed areas as quickly as possible.
- j. Hydroseed areas where grading is complete or inactive.
- k. Establish vehicle speed controls on the site.

15. **Public Works Clearance.** Prior to the issuance of Building Permits, the applicant will be required to have satisfied all of the following Public Works conditions (3-06356) to the satisfaction of the Director of Public Works. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Prior to the approval of the tract or parcel map by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions.

- a. ~~Minor Improvement Permit: The public improvements conditioned as part of this~~ permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
- b. *Grading/Geology.*
 - 1) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - 2) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- c. *Stormwater Runoff Pollution Control Measures:* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29)

which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges.

- d. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - e. *Electrical:* The existing electroliers will be evaluated at the public improvement stage and any necessary street lighting requirements will be included as part of the improvement plans.
 - f. *Site Design:* Provide a 20-foot minimum stacking area at the driveway entrance to avoid obstructing the pedestrian sidewalk.
 - g. *Street Improvements.*
 - 1) Replace curb, gutter, and sidewalk along project frontage.
 - 2) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 - h. *Street Trees.* Install street trees within the public right-of-way along the entire street frontage per City standards. Trees shall be installed in cut-outs at the back of curb. Trees shall be 15-gallon Platanus Acer folia 'Yarwood' Sycamores in accordance with the tree removal permit issued by the City Arborist.
16. **Lighting.** Proposed lighting shall conform to the following criteria.
- a. On-site, uncovered exterior lighting shall use Low-Pressure Sodium fixtures.
 - b. All lighting shall be designed, controlled, and maintained so that no light source is visible from outside of the property. No light trespass onto adjacent properties is permitted.
 - c. Pedestrian level lighting is exempt from the low-pressure sodium requirement; however, it must be fully cut-off and fully shielded.
17. **Roof Equipment.** Any proposed roof equipment shall be screened from view and shall be subject to separate approvals and to the discretion of the Director of Planning, Building, and Code Enforcement.
18. **Utilities.** All on-site telephone, electrical and other overhead service facilities shall be placed underground.

19. **Colors and Materials.** All building colors and materials are to be those specified on the approved plan set and in the provided colors and materials submittals. No copper or nickel exterior materials are permitted.
20. **Fire Department Comments.** The project shall conform to all Fire Department comments at the Plan Review stage, including but not limited to those comments contained in the memorandum from Nadia Naum-Stoian dated March 16, 2005 for the subject project. Comments shall be completed to the satisfaction of the Fire Chief.
21. **Street Numbers.** Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials. Street numbers shall be displayed both on the front of each unit and on the rear, garage elevation of each unit.
22. **Sign Approval.** The attached building signage ("Casa Feliz") shown on the front elevation is hereby approved. No other signage, other than the directory signage, is approved with this permit. Any proposed signage shall be approved by the Director of Planning, Building, and Code Enforcement.
23. **Manager's Information.** Contact information for the on-site manager shall be posted in a prominent location at the entry to the building.
24. **Tree Removals.** No ordinance-sized trees are authorized for removal with this permit. Two non-ordinance sized trees (a Silk tree and an Italian Stone Pine tree measuring approximately 13" and 15" in circumference at two feet above grade, respectively) are approved for removal with this permit. The two ordinance sized trees in the public right-of-way will need to go through a separate approval process for their removal through the City Arborist. No tree larger than 56 inches in circumference, measured at a height of 24 inches above the natural grade, shall be removed without a Planned Development Permit Amendment or a Tree Removal Permit issued by the Director of Planning, Building and Code Enforcement. Removal of trees less than 56 inches in circumference shall require approval of the Director of Planning, Building and Code Enforcement through issuance of a Permit Adjustment.
25. **Permeable Pavement.** Permeable paving materials shall be used whenever feasible, particularly for pedestrian paths.
26. **Disconnected Downspouts.** Whenever feasible, disconnected downspouts shall be used to direct water to landscaped areas or pervious surfaces before entering public storm drains.
27. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This Permit file number, PD 06-047, shall be printed on all construction plans submitted to the Building Division.
 - b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
 - c. *Americans With Disabilities Act.* The applicant shall provide appropriate access as required by the Americans With Disabilities Act (ADA).
 - d. *Street Number Visibility.* Number of the building shall be easily visible at all times, day and night.
 - e. *Lock Boxes.* The project developer shall provide lock boxes for all gates to the satisfaction of the Chief Building Official and the Fire Chief.
 - f. *Mechanical Equipment.* No roof-mounted or other exterior mechanical equipment shall be located within 120 feet of a residential property line unless a Sound Engineer has certified that noise level from such equipment will not exceed 55db DNL at the residential property line.
 - g. *Vehicular Entry.* The keypad entry for vehicular access to the garage shall be at least 20' from the front property line to ensure that vehicles do not block the public ~~right-of-way~~.
28. **Police Department Requirements.** The following requirements shall be provided to the satisfaction of the Director of Planning, Building, and Code Enforcement:
- a. *Address Numbers.* All buildings shall be clearly marked by address numbers at both the front porch and rear garage areas.
 - b. *Exterior Lighting.* Adequate lighting should be installed in the vehicle access lanes where the garages are located.
29. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
30. **Enclosures/Screening.** Utility structures shall be enclosed or screened to match existing/proposed fencing, screening or landscaping. The Director of Planning, Building, and Code Enforcement shall approve installation of such structures or screening.
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31. **American Disabilities Act.** The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
32. **Recycling.** Scrap construction and demolition material shall be recycled.

Integrated Waste Management staff at 277-5533 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.

33. **Walls/Fence Height/Location.** Walls and fencing for the project shall conform to the design standards shown in the approved Planned Development Permit plans.
34. **Garage Parking Spaces.** All garage parking spaces shown on the approved Planned Development Permit plans are to be used only as such and shall be kept free and clear of all obstructions.
35. **Management Plan.** The applicant shall present a management plan to the City of San Jose Department of Housing for approval by the Director of Housing.
36. **Archaeology.** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California; in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native American. If no satisfactory ~~agreement can be reached as to the disposition of the remains pursuant to this~~ State Law, then the applicant shall re-enter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
37. **Archaeological Monitor.** Any clearing, grading, excavation and/or construction work shall be monitored by a qualified professional archaeologist to inspect for the presence of prehistoric (and/or historic) cultural resources. Should evidence of prehistoric (and/or historic) cultural resources be discovered during monitoring, work within the immediate area of the discovery shall be stopped to allow adequate time for evaluation and mitigation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning, Building and Code Enforcement.
38. **Affordability and Developmentally Disabled Criteria.** The project shall include 21 units designated for developmentally disabled residents, one unit for the manager at 60% of the area median income, and 38 units reserved for individuals making 20 to 30 percent of the area median income.

PASSED FOR PUBLICATION of title this 14th day of November 2006 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk